

TRUSTEE NRDA ASSESSMENT STRATEGY AND ACTION PLAN
Florida Mystery Spill Ft. Lauderdale, FL August 8, 2000

I. ASSESSMENT GOAL

The trustee goal for this incident is to complete an assessment in accordance with the Oil Pollution Act of 1990 (OPA) NRDA regulations and to present a claim for natural resource damages to the National Pollution Funds Center (NPFC) for payment from the Oil Spill Liability Trust Fund (OSLTF). The claim will be based upon the costs of implementing and monitoring the preferred restoration project(s), and reimbursement of trustee assessment costs.

II. PREASSESSMENT PHASE

(Aug. 8 - Dec. 2000)

- A. Trustees notified** of mystery spill Tuesday, August 8, 2000.
- B. Trustee Initiation activities** - Representatives of NOAA, Florida (DEP and FWC), and DOI USFWS initiated preassessment activities, including co-trustee coordination, incident command, and NPFC coordination, on-scene ephemeral data collection, initial data review, contractor support, and legal and policy evaluations.
- C. Co-trustee conference call Dec. 8, 2000** - NOAA and FDEP confirm their jurisdiction under OPA, and their intent to pursue a joint assessment and restoration planning under OPA authority and regulations. DOI USFWS was still evaluating its intent to participate in the assessment. NOAA was selected to serve as the lead administrative trustee (LAT) for this NRDA.

III. RESTORATION PLANNING PHASE

A. Strategy for the Assessment

- 1. General Procedural and Legal Requirements – Use the OPA regulations to conduct a model-based assessment appropriate for this approximately 15,000 gallon mystery spill affecting approximately 20 miles of sand beach shoreline, offshore waters, and associated biota. When assessment is complete, present claim to the OSLTF.
- 2. General Technical Methods and Data Needs – Preassessment information indicates that natural resources and services injured, destroyed or lost as a result of the spill included: threatened and endangered sea turtles, sandy shoreline habitat, marine surface waters and sediments, their associated biota, and the public use of popular recreational beaches. These losses are significant enough to warrant pursuing restoration. Restoration planning will include determining the type and amount of resource loss so that the appropriate restoration projects may be selected and scaled. The technical methods used to assess injury to ecological resources and to assess lost recreational beach use are described below.
 - a. **Ecological Injuries** – Trustees propose to use an NRDA computer model (SIMAP – a site-specific adaptation of the NRDAM/CME) to quantify most ecological

Approved by Trustee Representatives, as of 3-15-01

injuries (open water and shoreline impacts). For sea turtle injury (and possibly some other resource categories), trustees are evaluating assessment options that include adding more detailed data into the model, or other means to address injury for specific resources as needed. Damages will be determined by calculating the cost to implement the preferred restoration alternative(s).

- b. Lost Recreational Beach Use - Trustees will use records of beach use and other readily available means to document the public loss of recreational beach use (in “user-days”). The value of the lost user-days for the affected area will be determined using available literature and applicable past NRDA data.

B. Requirements for Application of the Assessment Strategy

1. Procedural/Legal Steps and Actions: (Jan. – Apr. 2001)

- a. Determine mechanism for documenting trustee decisions.
- b. Determine and document level of participation and role of each trustee agency, and identify trustee council representatives.
- c. Identify specific steps to follow the OPA regulations for this case, including any unique requirements for a “mystery spill”.
- d. Establish procedures for trustee cost documentation.
- e. “Notice of Intent...” preparation and publication.
- f. Establish Administrative Record.
- g. Coordinate with NPFC.

2. Ecological Injury Assessment Needs: (Feb. – May 2001)

- a. Determine the likely spill scenario that resulted in the approximately 15,000 gallons of highly weathered intermediate oil mixture stranding on approximately 20 miles of beaches from N. Miami Beach to Delray Beach.
- b. Evaluate the applicability of available computer models (NRDAM/CME and SIMAP) for the likely spill scenario, available resource data, costs to run, and usefulness of model output results (for restoration scaling).
- c. Collect and evaluate all appropriate and available resource injury data. Particularly focus on sea turtles due to their ESA status.
- d. Work with contractor to apply the selected computer model.
- e. Determine and apply appropriate additional methods required to complete the entire ecological injury assessment.

Approved by Trustee Representatives, as of 3-15-01

3. Lost Recreational Use Assessment Needs: (Feb. – May 2001)

- a. Complete the collection of all available and reliable beach use data for impacted beaches. Evaluate and document potential beach use factors (holidays, weather, etc.) that may affect the baseline.
- b. Calculate the loss of public beach use, in beach-days, that is attributable to the spill.
- c. Value the lost beach-days by applying available information from previous assessments (particularly the 1993 Tampa Bay oil spill), locality and seasonal factors, etc.

C. Restoration Planning and Selection (May - July 2001)

1. Determine and implement appropriate public participation process.
2. Assemble list of feasible restoration alternatives for injuries and losses.
3. Apply OPA criteria to the list of feasible alternatives to determine the preferred alternative(s).

D. Prepare Draft Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA). (June-July 2001)

E. Public Review and Comment on Draft DARP/EA. (Requires at least 30 days).

1. Solicit public input.
2. Respond to public comments on draft DARP/EA.
3. Publish or notice availability of revised draft DARP/EA if necessary.
4. Prepare Final DARP/EA.

F. Prepare and Submit NRDA Claim to the NPFC for payment from the OSLTF.

III. Restoration Implementation Phase.

Restoration implementation phase is started upon notification from NPFC that funds are (or will soon be) available.